

RNTPC Paper No. A/SLC/155
For Consideration by the
Rural and New Town Planning
Committee on 2.8.2019

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SLC/155

<u>Applicant</u>	JK Group Ltd.
<u>Site</u>	Lots 626 (Part), 627 (Part), 628 to 630, 632, 633 (Part), 634 to 637, 639 to 642, 647 to 650, 710 to 712, 715 RP, 716, 717 and 718 RP in D.D. 316L, Pui O, Lantau Island
<u>Site Area</u>	3,672m ²
<u>Land Status</u>	Old Scheduled Lots held under Block Government Lease demised for agricultural use
<u>Plan</u>	Approved South Lantau Coast Outline Zoning Plan No. S/SLC/21
<u>Zoning</u>	“Coastal Protection Area” (“CPA”)
<u>Application</u>	Proposed Temporary Holiday Camp (Caravan Holiday Camp) for a Period of 5 years and excavation of land (Sewerage Facilities)

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary holiday camp (caravan holiday camp) for a period of 5 years and excavation of land for sewerage facilities (at a depth of 1m to 2m) at the application site (the Site) (**Plans A-1 to A-3**). The Site falls within an area zoned “CPA” on the approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/21. According to the Notes of the OZP, ‘Holiday Camp’ use and excavation of land within “CPA” zone require planning permission from the Town Planning Board (the Board).
- 1.2 The proposed development comprises ten caravans and 12 structures including garden centre, kiosk (green house), movable pergolas, movable storages, look-out platform and portable toilets with a total floor area of about 584m² and building height of one storey (2.5m - 4m) (Floor Plan in **Drawing A-2**). 4 car parking spaces for electrical vehicles (also used as loading/unloading spaces) will be provided within the Site. The proposed development will operate 24 hours. The ten caravans will provide overnight accommodation for a maximum of 50 customers and no more than 50 day-time visitors. Together with five staffs and about ten customers for the garden centre, the total daily patronage of the Site will be about 115. The proposed development parameters are shown in the following table:

Use	Number	Floor Area	Height
Caravan	10	154m ² (15.4m ² each)	2.5m
Garden Centre and Kiosk (green house)	1	215m ²	4m
Movable pergola	2	144m ²	4m
B1 Movable Storage	1	18.36m ²	3m
B2 Movable Storage	3	44.65m ²	3m
Portable Toilet	1	8.4m ²	2.6m
Sand Pool	1	-	Depth: 1.5m
Lookout Platform	1	-	3m
Sign	1	-	1.8m
Electric Box	1	-	2.5m
Total	22	584.41m²	-

- 1.3 According to the applicant, excavation works will be undertaken for the construction of sewerage facilities including a septic tank (2m), soakaway pit system (2m), five storage tanks (1m) and pipelines (Sewage Layout Plan in **Drawing A-7**). Sewage will be collected by storage tanks to the septic tank and soakaway pit system for treatment or removal by service trucks. Besides, surface runoff drainage treatment by surface U channels and a sand trap for sediment purpose will be provided before connecting to public drains (**Drawing A-3**). No felling of tree will be involved within the Site and 4 new trees and 18 new plants will be provided. Green and landscaping measures will also be provided. Location Plan, Floor Plan, Drainage Proposal Plan, Landscape Proposal Plan, Existing Trees Plan, Landscaping Plants Plan and Sewage Layout Plan submitted by the applicant are shown in **Drawings A-1 to A-7**.
- 1.4 Part of the Site is currently being used as the applied use with the northern part occupied by a garden centre, six caravans, pergolas and grassland while the southern part occupied by temporary open storage of containers and scrap metal and some trees. There are four private lots in the middle of the Site which are excluded from the application. An existing track is leading from South Lantau Road to the Site which also serves these four private lots surrounded by the Site (**Plan A-2**). One other private lot (also excluded from the Site) is located at the western part of the Site.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) application form received on 12.6.2019; **(Appendix I)**
 - (b) further information (FI) received on 17.7.2019 with responses to departmental comment and signatures from villagers in support of the proposal (exempted); and **(Appendix Ia)**
 - (c) FI received on 26.7.2019 with responses to departmental comments (exempted). **(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the attachment 3 of **Appendix I**, and **Appendices Ia and Ib**. They are summarised as follows:

- (a) the Site has already been formed and is currently occupied by a garden centre, environmental protection workshop, campsite, an open storage for containers and scrap metal. The proposed holiday camp development will improve the environment, better utilise/manage the land and enhance local economy, employment, sustainable development and eco-tourism;
- (b) the proposed development is in line with the Sustainable Lantau Blueprint (the Blueprint) promulgated in 2017 in which South Lantau is planned for tourism and conservation and the Recreation and Tourism Development Strategy for Lantau - Feasibility Study co-ordinated by the Civil Engineering and Development Department;
- (c) the application is not a “Destroy First, Build Later” case. The applicant had converted the previous vehicle workshop to the existing garden centre (operating for ten years) and grassland. There are supports from local residents (**Appendix Ia**);
- (d) all caravans within the Site are moveable and only occupy limited land. Only minimum amount of excavation works will be undertaken for the construction of a septic tank and soakaway pit system. No felling of tree will be involved and 4 new trees and 18 new plants will be provided (Existing Tree Plan, Landscape Proposal Plan and Landscaping Plant Plan at **Drawings A-4 to A-6**). Most of the Site (about 80% of the Site) is for greenery and is compatible with the surrounding natural environment;
- (e) there is no need for water supply from the Government. Stream water will be used for irrigation and bottle water for daily consumption;
- (f) there is no impact to the marshes and the Ecologically Important Stream (EIS) as they are located about 80m to 120m east of the Site. Surface runoff drainage treatment by surface U channels and a sand trap for sediment purpose will be provided before connecting to public drains. There will be no discharge of any polluted water on the land and to the stream and no spill-over effect from the Site;
- (g) sewage from the caravans and toilet will be collected by impermeable retention tank and be pumped to the septic tank and soakaway pit system for treatment or remove away from the Site by tankers regularly (**Drawing A-7**). The design of the system will be carried out by professional Engineer and adhere to current Ordinances, regulations and guidelines. The development of a sewerage treatment works in Pui O has been commenced and a sewage connection to the sewerage treatment works will be provided upon its completion;
- (h) there will be no adverse noise impact. No broadcasting instrument or loudspeaker is allowed. Noise level will be controlled within the limits of the Noise Control Ordinance;
- (i) waste management related legislations and guidelines during the construction and operation phases of the proposed development will be followed;
- (j) the ten caravans will accommodate a maximum of 50 customers and no more than 50 day-time visitors who are not allowed to enter and exit the Site after 11pm. Together

with five staffs and about ten customers for the garden centre, the total daily patronage of the Site will be about 115;

- (k) there will be no burden on the traffic and parking provision in South Lantau. No shuttle service will be provided. The customers have to use public transport; and
- (l) there are four small private lots encircled by the Site (**Plan A-2 and Drawing A-1**). Three of them are abandoned farmlands (Lots 643 to 645 in DD316) occupied by containers/scraped metals and one (Lot 646) is currently occupied by a local villager and his house. The house is now fenced with shrubs as boundary treatment. Those containers/scraped metals will be removed at the applicant's cost upon the approval of application and access to the house will be provided via the existing track.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not the 'current land owners' but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the 'Owner's Consent/Notification' Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consent from the current land owner. Detailed information would be deposited at the meeting for Members' inspection.

4. Previous Application

The Site was the subject of a previous application No. A/SLC/147 for a proposed temporary holiday camp (caravan holiday camp) and tent camping ground with ancillary hobby farm for a period of 3 years and excavation of land (sewerage facilities) by the same applicant which was subsequently withdrawn by the applicant on 26.10.2017 (**Plan A-1 and A-2**). Compared with the previously withdrawn application, the current application mainly involves a reduction of application site area (from 4,993.88m² to 3,672m²) and number of caravans (from 15 to 10), a deletion of tent camping ground and ancillary hobby farm and an addition of 4 parking spaces for electric vehicles.

5. Similar Applications

- 5.1 There are four similar applications (No. A/SLT/28, 29, 47 and A/SLC/88) for proposed holiday camp involving the same or similar sites within the same "CPA" zone (**Plans A-1 and A-2**). Application No. A/SLT/28 was rejected by the Committee in 1992 while the other 3 applications were approved with conditions by the Committee in 1992, 1996 and 2008 respectively.
- 5.2 Application No. A/SLT/28 for a proposed holiday camp involving the upgrading of an existing go-cart racing course and development of other new recreational facilities was rejected by the Committee on 24.1.1992 mainly on the grounds that the go-cart racing activity would cause excessive noise nuisance and the motor oil and petrol contamination would cause environmental pollution to nearby water course and Pui O Beach.
- 5.3 Application No. A/SLT/29 for a similar holiday camp development with the deletion of the go-cart racing course was approved with conditions by the Committee on 22.5.1992 mainly on the grounds that the application was in line with the planning intention of the

area which was identified suitable for low-density recreational developments under the consultancy study "South Lantau Planning and Development Study" in 1989; the proposed development would add and provide a variety of recreational facilities compatible with surrounding development and would enhance Pui O as an attractive holiday resort in South Lantau and the environmental problems caused by the existing go-cart racing activities would be relinquished.

- 5.4 Application No. A/SLT/47 involved a similar holiday camp development with change in configuration and boundary of site, an increase of development intensity and an addition of a restaurant as compared with Application No. A/SLT/29. On 12.7.1996, the Committee approved the application with conditions mainly in view of the improved building design and the inclusion of a restaurant would not be incompatible with the proposed holiday camp development.
- 5.5 Application No. A/SLC/88 for the same holiday camp development was submitted due to the lapse of the previous planning permission under Application No. A/SLT/47 and more time was required for the land exchange process. The application was approved with conditions by the Committee on 6.6.2008 mainly on the grounds that there were no significant changes in the planning circumstances; the development was not incompatible with the surrounding areas; and the development was in line with the recommendation of the "Revised Concept Plan for Lantau" in 2007 in which Pui O was recommended to be developed into a family-oriented recreation hub; and the sewage concerns could be addressed by an approval condition on sewage treatment facilities. An Occupation Permit for a 3-storey holiday camp building (Hong Kong Victoria Resort) was issued by Building Authority on 6.11.2015.
- 5.6 Details of the similar applications are summarized at **Appendix II** and their locations are shown on **Plans A-1 and A-2**.

6. **The Site and Its Surrounding Areas** (Plans A-1 to A-3 and photos on Plans A-4a to A-4d, A-5a and A-5b)

- 6.1 The Site has the following characteristics:
 - (a) it is accessible from South Lantau Road and a bus stop is located near the entrance of the Site (**Plan A-4a**);
 - (b) the northern part of the Site is currently paved and occupied by a garden centre, a grassland and six caravans (**Plans A-4a and A-4b**);
 - (c) the western part of the Site is occupied by a grassland with tables and chairs under the pergolas (**Plan A-4c**);
 - (d) the southern part of the Site is currently occupied by temporary open storage of containers and scrap metal and some trees (**Plan A-4c**); and
 - (e) as shown in the aerial photos (**Plans A-3, A-5a to A-5b**), the Site was mainly covered by vegetation in 1995. Vegetation clearance occurred in the southern part of the Site in 1996 and some structures were erected in 1998. In 2010, further vegetation clearance in the western part of the Site and some temporary structures and open storage were found at the Site. Since 2011, more temporary

structures and open storage have been found on the Site.

6.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character with fallow or active farmland / marshes to the immediate east, south and west of the Site where buffaloes can be found (**Plan A-4d**);
- (b) there are some private lands encircled by the Site which are used as track and occupied by containers/scrap metal and a house (**Plan A-2 and A-4d**);
- (c) car parks and open storages are found to the north and further southwest of the Site abutting South Lantau Road;
- (d) Pui O Lo Wai Tsuen and Ham Tin San Tsuen are located to the northwest (across South Lantau Road) and southeast of the Site respectively; and
- (e) Pui O EIS and Pui O gazetted beach are located about 50m to the east and 600m to the south of the Site respectively (**Plans A-2 and A-3**).

7. **Planning Intention**

The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. These scenic and ecologically sensitive coastal areas should also be protected against land filling, land excavation or stream diversion and encroachment by developments.

8. **Comments from Relevant Government Departments**

8.1 The following government departments have been consulted and their views on the application are summarised as follows:

Sustainable Lantau Blueprint

8.1.1 Comments of the Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD):

- (a) the Blueprint embraces the overarching principle of “Development in the North; Conservation for the South”. The predominant part of Lantau, in particular the South Lantau, is proposed for conservation with sustainable leisure and recreational uses. Therefore, any camping ground proposal at or in the proximity of Pui O wetland must ensure that the development should not result in adverse impact to the wetland habitat, and at the same time, encourage upgrading the

environment and enhancing the ecology;

- (b) it is noted from aerial photos that vegetation clearance has gradually taken place at the Site since 1990s, and the Site is currently formed and used for various activities, including storage. The applicant claims that the application would make better use and allow better management of such 'brownfield'. Whilst the proposal, if carried out in good practice, may improve the current site situation; it would be equally important to consider if the approval may encourage the practice of 'destroy first', particularly in South Lantau where non-conforming land uses or activities are not enforceable by the Planning Authority; and
- (c) the applicant should demonstrate how the proposal, especially the scale and mode of operation, could be effectively implemented.

Land Administration

8.1.2 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) the lots are old scheduled agricultural lots demised under the Block Government Lease. No structure shall be erected on the Lots without LandsD's prior approval;
- (b) warning letters against the unauthorised structures on Lots No. 641, 642, 710, 711, 712, 715 R.P., 716, 717 and 718 R.P. in D.D. 316 were issued by LandsD on 27.6.2017. Except those on Lot 715 R.P., all breaches on other lots had been rectified according to the findings in his site visit on 29.8.2018. At present further lease enforcement action against the irregularities on Lot No. 715 R.P. is being withheld pending the outcome of this planning application;
- (c) currently, there is no Short Term Waiver (STW) application in connection with the Lots under processing. If this planning application is approved, the owners of the Lots have to submit an application for STW to cover the structure(s) built / to be built on the Lots. LandsD would process the application in the capacity of the landlord. There is no guarantee that such application will be approved. If such application is approved, the approval will be subject to such terms and conditions, including payment of fees, as may be imposed by LandsD; and
- (d) as at 25.6.2019, the Lots are not affected by any known government development, project or land sale proposal.

Traffic

8.1.3 Comments of the Commissioner for Transport (C for T):

- (a) he has no objection to the application from traffic engineering and transport operation point of view;

- (b) it is noted that four car parking spaces for electricity vehicles which will also be used for loading/unloading will be provided within the Site. However, the use of parking spaces for one type of vehicle as the loading/unloading bays for another type of vehicle is not preferred as the demand for the same space may appear at the same time;
- (c) it is also noted that there will be short stay of vehicles. Moreover, the visitors may drive to the Site through the "Driving on Lantau Island" scheme. It is suggested that sufficient number of parking spaces (e.g. 5m x 2.5m for a private car, etc.) should be provided to meet the relevant parking demand. It is suggested to impose approval condition on the submission and provision of sufficient number of loading/unloading bays and parking spaces within the Site to the satisfaction of C for T or the Board; and
- (d) should the Board approve the application, no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.

Urban Design and Visual Impact

8.1.4 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) the Site is located between Pui O Lo Wai Tsuen and Ham Tin San Tsuen, with the northern part abutting South Lantau Road providing vehicular access to the Site. It is surrounded by fallow agricultural land to its east, south and west. The Site is mainly covered by grassland with plant nursery and temporary open storage;
- (b) compared with the existing condition, the proposal would improve the amenity of the Site. Although no visual materials have been submitted, it is anticipated that the proposed maximum height of the structures at 4m is compatible with the low-rise village type development in the surroundings and the proposed development would not cause adverse visual impact; and
- (c) it is noted that some lots located in the middle of the Site, which are proposed to be used as track for access to the proposed development, do not form part of the Site. From urban design perspective, the applicant is advised to carefully consider the boundary treatment between the Site and these lots.

Landscape

8.1.5 Comments of the CTP/UD&L, PlanD:

- (a) she has reservations on the application from the landscape planning perspective;

- (b) the Site is situated in an area of rural landscape character surrounded by agricultural land, vegetated areas and village houses. Existing trees/vegetation are found along the western boundary of the Site;
- (c) the Site forms part of the previous application no. A/SLC/147 from the same applicant for temporary holiday camp (caravan holiday camp) and tent camping ground with ancillary hobby farm for a period of 3 years and excavation of land for sewage facilities, which was withdrawn on 26.10.2017;
- (d) according to the proposal, the proposed structures such as moveable pergola, movable storage (B1) and movable container storage (B2), caravan and decking and etc. are located away from the existing trees at the western part of the Site. Significant potential landscape impact to the Site is not envisaged;
- (e) one proposed caravan is placed in close proximity to the existing tree T1 which may affect the growth of the tree roots (**Drawing A-5**). The applicant should relocate the caravan away from the dripline of the tree.
- (f) two existing trees, *Acacia confusa* as indicated in the previous application are not shown in the submitted tree survey. Justification for the change in the tree survey information should be provided in this application;
- (g) the landscape proposal of planting 4 native trees, *Bauhinia blakeana* (with Diameter at breast height (DBH) size of 10-15cm and spacing of 4m) and 46 native shrubs, *Melastoma sanguineum* (i.e. 18 new plants, with height of 500mm – 800mm and spacing of 1m) is considered as acceptable edge treatment to enhance the compatibility with the surrounding environment;
- (h) appropriate drainage channels/connections for proper discharge of surface runoff such as u-channel, catchpit and sand trap are not indicated on the drainage plan (**Drawing A-3**). As such, adverse landscape impact to the health of the existing tree (T1) and the adjacent farmland and vegetated areas cannot be reasonably ascertained;
- (i) a few proposed structures though indicated as 'moveable' would probably incur ground preparation (such as certain degree of compaction) in order to take the overall loading of these moveable structures (e.g. 2 'movable' pergolas and 4 different storages) (**Drawing A-2**). In this connection, the extent of hard paved area(s) under these proposed structures is also not clearly indicated. The potential impact on soil quality due to the probable earthworks cannot be ascertained;
- (j) the applicant is advised that approval of the application does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant is reminded to approach relevant

authority/government department(s) direct to obtain necessary approval on tree works; and

- (k) should the Board approve the application, the following approval condition is recommended:

submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board.

Sewerage and Environment

8.1.6 Comments of the Director of Environmental Protection (DEP):

- (a) he has no objection to the application;
- (b) having reviewed the application and the FI, in view of its scale and nature, he considers that there is no major environmental problem from the proposed development;
- (c) the septic tank and soakaway system is an acceptable means for collection, treatment and disposal of sewage provided that its design and construction follow the requirements of Environmental Protection Department's (EPD) Practice Note for Professional Person (ProPECC) 5/93 to be certified by an Authorized Person (AP); and
- (d) no environmental complaint concerning the Site was received in the past three years.

Drainage

8.1.7 Comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD):

- (a) he has no objection to the application on the condition that the applicant can submit a satisfactory drainage proposal to demonstrate that there would be adequate measures provided at the resources of the applicant to avoid the Site and its surrounding area from being flooded due to runoff of the Site, and that there would be no contaminated discharge or pollution to the surrounding area:
- (b) the proposed development is surrounded by footpath and farmland with over one to two metre drop of ground level in comparison to the Site. The applicant shall ensure that adequate drainage collection and disposal facilities are provided to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas. There is no drainage calculation provided in the submission and no DSD facilities at the discharge point indicated by the applicant. If the proposed stormwater drainage facilities would be connected to any existing drainage facilities, the applicant shall seek consent from the relevant owners or parties who are responsible for the maintenance of

such existing facilities for the discharge of runoff collected from the Site;

- (c) the Site is near the Pui O EIS (**Plan A-2**). The applicant should ensure that any contaminated runoff due to camp site activities should be collected and treated and not to be discharged to any existing drainage facilities or stream; and
- (d) the applicant shall ensure that the proposed development would not increase the flood risk to the surrounding area and he shall be liable for and indemnify claims and demands arising out of damage or nuisance caused by any inadequate construction or maintenance of the drainage facilities completed under the development.

Building Matters

8.1.8 Comments of the Chief Building Surveyor/New Territories East(1) & Licence, Buildings Department (CBS/NTE1&L, BD):

- (a) according to the applicant, the proposed temporary buildings including caravans, kiosk, pergola, storage, toilets, etc., will be constructed associated with the planning application. He has the following comments under the Buildings Ordinance (BO):
 - (i) the permissible site coverage (SC) and plot ratio (PR) of the development(s) / building(s) should comply with Regulations 20 and 21 of the Building (Planning) Regulations (B(P)R);
 - (ii) if the Site does not abut on a specified street of width not less than 4.5m, the development intensities and building height shall be determined by the Building Authority (BA) under B(P)R19(3) upon formal submission of building plans to BD;
 - (iii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R5 and 41D respectively; and
 - (iv) detailed comments under BO on the private development(s) / building(s) such as permissible PR, SC, emergency vehicular access, provision of means of escape, fire resisting construction, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the formal building plan submission stage;
- (b) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW);
- (c) if there are existing structures which had been erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under this application;

- (d) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (e) if the proposed use under application is subject to the issue of a licence, please be reminded that the building safety and other relevant requirements as may be imposed by the licensing authority would need to be complied with; and
- (f) in connection with the drainage/sewage proposal, the applicant's attention is drawn to the provisions of the Building (Standards of Sanitary Fittings, Plumbing, Drainage Works and Latrines) Regulations, in particular its Regulations 40 and 41.

Nature Conservation

8.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) he has reservation on the application; and
- (b) generally speaking, the Pui O wetland comprises several parcels of abandoned farmland which are divided by roads and Pui O Stream and are seasonally or permanently inundated. The abandoned farmland and marshes are ecologically linked to the Pui O EIS. Considering the close proximity of the Site to the ecologically sensitive Pui O wetland, and the connectivity and integrity of the wetland, the potential impact of the proposed development (such as water pollution, human disturbances, spill-over effect, etc.) should not be undermined. It is doubtful whether the measures to be implemented by the applicant would be effective in protecting the adjacent wetland and watercourse(s).

Fire Safety

8.1.10 Comments of the Director of Fire Services (D of FS):

- (a) he has no in-principle objection to the application subject to fire service installations (FSI) and water supplies for firefighting being provided to the satisfaction of Fire Services Department;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access shall comply with Section 6, Part D of Code of Practice for Fire Safety in Buildings 2011 which is administered by BD; and
- (c) for the general licensing conditions on site location for caravan camp site, the applicant is reminded to observe the 'General Licensing Condition for Caravan Camp Site providing short-term sleeping

accommodation (revised version)' and "A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (HAGAO), which could be found in the following link:

[http://www.hadla.gov.hk/filemanager/en/docs/General_Licensing_Conditions_for_Caravan_\(eng\).pdf](http://www.hadla.gov.hk/filemanager/en/docs/General_Licensing_Conditions_for_Caravan_(eng).pdf)

http://www.hadla.gov.hk/filemanager/en/docs/Guide_for_Caravan_Camp_Site_Eng.pdf

Water Supply

8.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application as the applicant advises that they would not apply for WSD's water supply; and
- (b) as the existing water supply system at South Lantau is a small system with limited capacity, and considering that there are other proposed residential developments in South Lantau that will also increase water demand, the water supply system in South Lantau may not be able to accommodate any further additional water demand.

Electricity Supply

8.1.12 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) he has no particular comment on the application from electricity supply safety aspect;
- (b) in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

Licencing

8.1.13 Comments of the Chief Officer (Licencing Authority), Office of the Licensing Authority, Home Affairs Department (CO(LA), OLA, HAD):

- (a) no objection to the application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);

- (b) for caravan providing short-term sleeping accommodation at a fee, if their mode of operation falls within the definition of “hotel” and “guesthouse” under HAGAO (Cap. 349) (HAGAO), a licence must be obtained before operation. “A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349)” are available at the OLA’s website: <http://www.hadla.gov.hk>;
- (c) for any structures to be included into the licence, the applicant should submit a copy of either an occupation permit issued by the Buildings Authority (BA) or a Certificate of Compliance issued by the LandsD when making an application under the HAGAO;
- (d) the licensing requirements will be formulated after inspection upon receipt of the application under HAGAO (Cap 349); and
- (e) no licence application was received by his office and no licence has been obtained for the operation of a caravan holiday camp at the Site.

8.1.14 Comments of the Director of Food and Environmental Hygiene (DFEH):

in accordance with the laws in Hong Kong, any person who intends to prepare and/or manufacture of food for sale for human consumption off the premises in the territory must obtain a food licence issued by his department before commencement of such business.

Others

8.1.15 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) he has no comment from district management perspective as the sewerage will not be discharged to the gazetted beaches including Pui O Beach; and
- (b) he also has no comment from tree preservation perspective given that no roadside tree maintained by his department will be affected.

8.2 The following government departments have no comment on/objection to the application:

- (a) Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD);
- (b) Commissioner of Police (C of P);
- (c) District Officer (Islands), HAD; and
- (d) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD).

9. Public Comments Received During Statutory Publication Period

On 21.6.2019, the application was published for public inspection. During the first three-week statutory public inspection period which ended on 12.7.2019, 785 public comments from Kadoorie Farm & Botanic Garden Corporation, TrailWatch and Country Parks X,

Living Islands Movement, Temple Chambers, Designing Hong Kong Limited, The Hong Kong Bird Watching Society, The Conservancy Association, World Wild Fund Hong Kong, Save Lantau Alliance and individuals were received raising objection to and/or concern on the application (**Appendix III**). The main grounds of objection and concern include that the proposed development is not in line with the planning intention of the “CPA” zone and the Blueprint on “Conservation for the South”; adverse ecological impact on the wetland, the EIS and the wildlife habitat of the buffaloes; adverse environmental and noise impacts; adverse landscape, sewage and drainage impacts; adverse traffic impact; fire safety and waste management concerns; no licence for holiday camp and food business; compromising the access and future land use of the lots encircled by the Site; suspected “Destroy First, Build Later” case; and undesirable precedent to similar application.

10. Planning Considerations and Assessment

- 10.1 The applicant seeks planning permission for temporary holiday camp (caravan holiday camp) for a period of 5 years and excavation of land for sewage facilities at the Site on the “CPA” zone. The planning intention of the “CPA” zone is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or the development is an essential infrastructure project with overriding public interest may be permitted. These scenic and ecologically sensitive coastal areas should also be protected against land filling, land excavation or stream diversion and encroachment by developments. However, the proposed development and excavation of land are not in line with this planning intention to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment and to safeguard the beaches and their immediate hinterland. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- 10.2 As to the applicant’s claim that the proposal is in line with the Sustainable Lantau Blueprint’s proposal for tourism and conservation at Pui O, H(SLO) of CEDD advises that the Blueprint embraces the overarching principle of “Development in the North; Conservation for the South”. The predominant part of Lantau, in particular the South Lantau, is proposed for conservation with sustainable leisure and recreational uses. Therefore, any camping ground proposal at or in the proximity of Pui O wetland must ensure that the development should not result in adverse impact to the wetland habitat, and at the same time, encourage upgrading the environment and enhancing the ecology. Whilst the proposal, if carried out in good practice, may improve the current site situation, the applicant has not provided information in the submission if the proposed development and excavation of land would not result in adverse impact to the wetland habitat and how the environment could be upgraded and the ecology in the area is enhanced.
- 10.3 The Site is located between Pui O Lo Wai Tsuen and Ham Tin San Tsuen, with the northern part abutting South Lantau Road. It is situated in an area of rural landscape character surrounded by agricultural land, vegetated areas and village houses. Existing trees/vegetation are found along the western boundary of the Site. The northern and

western portions of the Site are partly paved and occupied by a garden centre, pergolas, caravans and grassland (**Plans A-2, A-3 and A-4d**). From urban design perspective, CTP/UD&L of PlanD considers that the proposed development with a maximum building height of 4m is compatible with the low-rise village type development in the surrounding and would not have adverse visual impact. It would improve the amenity of the Site when compared with the existing condition with open storage. However, she has reservation on the application from landscape planning perspective as there is insufficient information demonstrating that the proposed development would have no adverse landscape impact to the health of the existing tree (T1) and the adjacent farmland and vegetated areas. The proposed structures would incur ground preparation (such as certain degree of compaction) and the extent of hard paved area(s) under these proposed structures is also not clearly indicated. The potential impact on soil quality due to the probable earthworks cannot be ascertained.

- 10.4 There is currently no public sewerage system to serve the Site and the Site is in close proximity of the marshes and wetland to the east. The Pui O EIS is located to its further east. To address the sewage and drainage concern, the applicant has submitted sewerage and drainage proposals. DEP has no objection to the use of the septic tank and soakaway system provided that its design and construction follow the requirements of EPD ProPECC 5/93 to be certified by an AP. CE/HK&I, DSD has no objection to the application on the condition that the applicant can submit a satisfactory drainage proposal to demonstrate that there would be adequate measures to avoid the Site and its surrounding area from being flooded due to runoff of the Site, and that there would be no contaminated discharge or pollution to the surrounding area. However, DAFC has reservation on the application as generally speaking, the Pui O wetland comprises several parcels of abandoned farmland which are divided by roads and Pui O Stream and are seasonally or permanently inundated. The abandoned farmland and marshes are ecologically linked to the Pui O EIS. Considering the close proximity of the Site to the ecologically sensitive Pui O wetland, and the connectivity and integrity of the wetland, the potential impact of the proposed development (such as water pollution, human disturbances, spill-over effect, etc.) should not be undermined. It is doubtful whether the measures to be implemented by the applicant would be effective in protecting the adjacent wetland and watercourse(s).
- 10.5 The similar application (No. A/SLT/29 and 47 and A/SLC/88) for holiday camp use was first approved by the Board in 1992 mainly on the ground that the proposed holiday camp was in line with the recommendation of the "South Lantau Planning and Development Study" in 1989 that Pui O was identified suitable for low-density recreational development. In view of the latest planning context depicted in the Blueprint promulgated in 2017, the predominant part of Lantau, in particular the South Lantau, is proposed for conservation with sustainable leisure and recreational uses. As stated in Paragraph 10.2 above, the applicant has not provided information in the submission if the proposed development and excavation of land would not result in adverse impact to the wetland habitat and how the environment could be upgraded and the ecology in the area is enhanced. There are other existing caravan holiday camps within the "CPA" zone in South Lantau Coast area without valid planning permission. Granting of approval to the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "CPA" zone and the cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape of the area.
- 10.6 The Site is accessible from South Lantau Road. C for T has no objection to the

application but considers that sufficient number of loading/unloading bays and parking spaces should be provided to meet the relevant demand. Other relevant departments consulted have no objection to/adverse comment on the application.

10.7 There are 785 public comments objecting to/raising concern on the application mainly on grounds of adverse landscape, ecological, sewage, visual, noise, traffic impacts, fire safety and waste management concerns, non-compliance with planning intention and relevant government regulations; and suspected “Destroy First, Build Later” case. The planning assessments in paragraph 10.1 to 10.6 above are relevant.

11. Planning Department’s Views

11.1 Based on the assessment made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department does not support the application for the following reasons:

- (a) the application is not in line with the planning intention of the “CPA” zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not have adverse ecological and landscape impacts to the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “CPA” zone and the cumulative effect of approving such applications would lead to a general degradation of the natural environment of the area.

11.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on temporary basis for a period of 5 years, as applied for, until 2.8.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period
- (b) the submission of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 2.2.2020;
- (c) in relation to (b) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 2.5.2020;

- (d) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board **by 2.2.2020**;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board **by 2.5.2020**;
- (f) the submission of proposals of fire service installations and water supplies for firefighting within 6 months from the date of the planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board **by 2.2.2020**;
- (g) in relation to (f) above, the provision of fire service installations and water supplies for firefighting within 9 months from the date of the planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board **by 2.5.2020**;
- (h) the submission of loading/unloading bay and parking space proposal within 6 months from the date of the planning approval to the satisfaction of Commissioner for Transport or of the Town Planning Board **by 2.2.2020**;
- (i) in relation to (h) above, the provision of loading/unloading bays and parking spaces within the Site within 9 months from the date of the planning approval to the satisfaction of Commissioner for Transport or of the Town Planning Board **by 2.5.2020**;
- (j) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (b) to (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the

permission, and the period of the temporary permission to be granted.

- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

13. Attachments

Appendix I	Application form received on 12.6.2019
Appendix Ia	Further Information received on 17.7.2019
Appendix Ib	Further Information received on 26.7.2019
Appendix II	Similar Applications
Appendix III	Public Comments received during the Statutory Publication Period
Appendix IV	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Floor Plan
Drawing A-3	Drainage Proposal
Drawing A-4	Landscape Proposal
Drawing A-5	Existing Trees Plan
Drawing A-6	Landscaping Plants Plan
Drawing A-7	Sewage Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos
Plans A-5a to A-5b	Aerial Photos

**PLANNING DEPARTMENT
AUGUST 2019**

**Similar s. 16 Applications within an area zoned as “Coastal Protection Area”
on the South Lantau Coast Outline Zoning Plan**

Rejected Application

Application No.	Proposed Development	Date of Consideration	Rejection Reasons
A/SLT/28	Holiday Camp to include Various Recreational Facilities	24.1.1992	R1 – R2

Rejection Reasons

- R1. The go-cart racing activity in the proposed development would cause excessive noise nuisance to the village, school and playground in its close proximity.
- R2. The motor oil and petrol contamination in the operation of the go-cart racing facility would cause environmental pollution to the nearby water course and Pui O Beach.

Approved Applications

Application No.	Proposed Development	Date of Consideration	Approval Conditions
A/SLT/29	Holiday Camp to include Various Recreational Facilities	22.5.1992	A1 – A3, A9
A/SLT/47	Holiday Camp	12.7.1996	A1 – A6, A9
A/SLC/88	Holiday Camp to include Various Recreational Facilities	6.6.2008	A1 – A3, A5 – A9

Approval Conditions

- A1. The submission of a master layout plan, including the details of the design of the buildings and an implementation programme of the proposed development, to the satisfaction of the Director of Planning or of the Town Planning Board.
- A2. The submission and/or implementation of a landscape plan and/or including the tree felling/replanting proposal, to the satisfaction of the Director of Planning or of the Town Planning Board.

- A3. The provision of sewage treatment and disposal facilities / sewage treatment facilities / wastewater treatment facilities to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.
- A4. The provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board.
- A5. The provision of emergency vehicular access to the site to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- A6. The provision of car-parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the Town Planning Board.
- A7. The provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.
- A8. The submission and implementation of archaeological mitigation measures to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the Town Planning Board.
- A9. The permission shall cease to have effect on XX.XX.XXXX unless prior to the said date either the development hereby permitted is commenced or this permission is renewed.

Recommended Advisory Clauses

1. to note the comment of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that currently, there is no Short Term Waiver (STW) application in connection with the Lots under processing. If this planning application is approved, the owners of the Lots have to submit an application for STW to cover the structure(s) built / to be built on the Lots. LandsD would process the application in the capacity of the landlord. There is no guarantee that the application will be approved. If the application is approved, the approval will be subject to such terms and conditions, including payment of fees, as may be imposed by LandsD;
2. to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
 - (a) some lots located in the middle of the Site, which are proposed to be used as track for access to the proposed development, do not form part of the Site. From urban design perspective, the applicant is advised to carefully consider the boundary treatment between the Site and these lots;
 - (b) one proposed caravan is placed in close proximity to the existing tree T1 which may affect the growth of the tree roots. The applicant should relocate the caravan away from the dripline of the tree; and
 - (c) approval of the application does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works;
3. to note the comment of the Commissioner for Transport that sufficient number of parking spaces (e.g. 5m x 2.5m for a private car, etc.) should be provided to meet the relevant parking demand;
4. to note the comment of the Director of Environmental Protection that the septic tank and soakaway system is an acceptable means for collection, treatment and disposal of sewage provided that its design and construction follow the requirements of Environmental Protection Department's (EPD) Practice Note for Professional Person (ProPECC) 5/93 to be certified by an Authorized Person (AP);
5. to note the comments of the Director of Fire Services that:
 - (a) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from licensing authority. The arrangement of emergency vehicular access shall comply with Section 6, Part D of *Code of Practice for Fire Safety in Buildings 2011* which is administered by BD; and
 - (b) for the general licensing conditions on site location for caravan camp site, the applicant is reminded to observe the 'General Licensing Condition for Caravan Camp Site providing short-term sleeping accommodation (revised version)' and "A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (HAGAO), which could be found in the following link:

[http://www.hadla.gov.hk/filemanager/en/docs/General_Licensing_Conditions_for_Caravan_\(eng\).pdf](http://www.hadla.gov.hk/filemanager/en/docs/General_Licensing_Conditions_for_Caravan_(eng).pdf)

http://www.hadla.gov.hk/filemanager/en/docs/Guide_for_Caravan_Camp_Site_Eng.pdf

6. to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that:
 - (a) the applicant should demonstrate that there would be adequate measures provided at the resources of the applicant to avoid the Site and its surrounding area from being flooded due to runoff of the Site, and that there would be no contaminated discharge or pollution to the surrounding area;
 - (b) the proposed development is surrounded by footpath and farmland with over one to two metre drop of ground level in comparison to the Site. The applicant shall ensure that adequate drainage collection and disposal facilities are provided to deal with the surface runoff of the Site or the same flowing on to the Site from the adjacent areas. There is no drainage calculation is provided in the submission and no DSD facilities at the discharge point indicated by the applicant. If the proposed stormwater drainage facilities would be connected to any existing drainage facilities, the applicant shall seek consent from the relevant owners or parties who are responsible for the maintenance of such existing facilities for the discharge of runoff collected from the Site;
 - (c) the Site is near the Pui O Ecologically Important Stream. The applicant should ensure that any contaminated runoff due to camp site activities should be collected and treated and not to be discharged to any existing drainage facilities or stream; and
 - (d) the applicant shall ensure that the proposed development would not increase the flood risk to the surrounding area and he shall be liable for and indemnify claims and demands arising out of damage or nuisance caused by any inadequate construction or maintenance of the drainage facilities completed under the development;
7. to note the comments of the Chief Building Surveyor/New Territories East(1) & Licence, Buildings Department (CBS/NTE(1)&L, BD) that:
 - (a) it is noted that the proposed temporary buildings including caravans, kiosk, pergola, storage, toilets, etc., will be constructed associated with the planning application:
 - (i) the permissible site coverage (SC) and plot ratio (PR) of the development(s) / building(s) should comply with Regulations 20 and 21 of the Building (Planning) Regulations (B(P)R);
 - (ii) if the Site does not abut on a specified street of width not less than 4.5m, the development intensities and building height shall be determined by the Building Authority (BA) under B(P)R19(3) upon formal submission of building plans to BD;

- (iii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R5 and 41D respectively;
 - (iv) detailed comments under Buildings Ordinance (BO) on the private development(s) / building(s) such as permissible PR, SC, emergency vehicular access, provision of means of escape, fire resisting construction, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the formal building plan submission stage;
- (b) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW);
 - (c) if there are existing structures which had been erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under this application;
 - (d) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (e) if the proposed use under application is subject to the issue of a licence, please be reminded that the building safety and other relevant requirements as may be imposed by the licensing authority would need to be complied with; and
 - (f) in connection with the drainage/sewage proposal, the applicant's attention is drawn to the provisions of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, in particular its Regulations 40 and 41;
8. to note the comment of the Chief Engineer/Construction, Water Supplies Department that as the existing water supply system at South Lantau is a small system with limited capacity, and considering that there are other proposed residential developments in South Lantau that will also increase water demand, the water supply system in South Lantau may not be able to accommodate any further additional water demand;
9. to note the comment of the Director of Electrical and Mechanical Services that in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines;

10. to note the comment of the Chief Officer (Licencing Authority), Office of the Licensing Authority, Home Affairs Department (CO(LA), OLA, HAD) that:
 - (a) for caravan providing short-term sleeping accommodation at a fee, if their mode of operation falls within the definition of “hotel” and “guesthouse” under HAGAO (Cap. 349) (HAGAO), a licence must be obtained before operation. ‘A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349)’ are available at the OLA’s website: <http://www.hadla.gov.hk>;
 - (b) for any structures to be included into the licence, the applicant should submit a copy of either an occupation permit issued by the Buildings Authority (BA) or a Certificate of Compliance issued by the LandsD when making an application under the HADGAO; and
 - (c) the licensing requirements will be formulated after inspections upon receipt of the application under HAGAO (Cap 349);
11. to note the comment of the Director of Food and Environmental Hygiene that in accordance with the laws in Hong Kong, any person who intends to prepare and/or manufacture of food for sale for human consumption off the premises in the territory must obtain a food licence issued by his department before commencement of such business.

Extract minutes of the 631st RNTPC on 2.8.2019

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/155 Proposed Temporary Holiday Camp (Caravan Holiday Camp) for a Period of 5 Years and Excavation of land (Sewage Facilities) in “Coastal Protection Area” Zone, Lots 626(Part), 627 (Part) 628 to 630, 632, 633 (Part), 634 to 637, 639 to 642, 647 to 650, 710 to 712, 715 RP, 716, 717 and 718 RP in D.D. 316L, Pui O, Lantau Island
(RNTPC Paper No. A/SLC/155)

Presentation and Question Sessions

19. Ms Donna Y.P. Tam, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary holiday camp (caravan holiday camp) for a period of 5 years and excavation of land (sewerage facilities);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Head of Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD) considered that the applicant must ensure that the proposed development and excavation of land would not result in adverse impact to the wetland habitat, and would encourage the environment be upgraded and the ecology in the area be enhanced. It would also be important to consider if approval of the application might encourage the practice of ‘destroy first’. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site was in close proximity to the ecologically sensitive Pui O wetland and cast doubt on whether the measures to be implemented by the applicant would be effective in

protecting the adjacent wetland and watercourse(s). The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application, as there was insufficient information demonstrating that the proposed development would have no adverse landscape impact on the existing tree and the adjacent farmland and vegetated areas, and the potential impact on soil quality due to the probable earthworks could not be ascertained. Other concerned government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, 785 public comments were received from Kadoorie Farm & Botanic Garden Corporation, TrailWatch and Country Parks X, Living Islands Movement, Temple Chambers, Designing Hong Kong Limited, the Hong Kong Bird Watching Society, the Conservancy Association, World Wild Fund Hong Kong, Save Lantau Alliance and individuals objecting to the application. Major grounds were set out in paragraph 9 of the Paper; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed development was not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone. The applicant had not provided sufficient information to demonstrate no adverse impact on the wetland habitat and whether the proposed measures would be effective in protecting the adjacent wetland and watercourse(s) which were ecologically sensitive and important respectively. There was also insufficient information to demonstrate no adverse landscape impact on the existing tree and the adjacent areas. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications with the “CPA” zone and the cumulative effect would result in a general degradation of the natural environment and landscape of the area. Regarding the adverse public comments received, the comments of government departments and planning assessments above were relevant.

20. Members had no question on the application.

Deliberation Session

21. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the application is not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not have adverse ecological and landscape impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “CPA” zone and the cumulative effect of approving such applications would lead to a general degradation of the natural environment of the area.”

城市規劃委員會

香港北角渣華道三百三十三號
北角政府合署十五樓

Annex C of

TPB Paper No. 10608

TOWN PLANNING BOARD

15/F., North Point Government Offices
333 Java Road, North Point,
Hong Kong.

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4317

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/SLC/155

By Post & Fax (2980 4433)

16 August 2019

JK Group Ltd.
20D, Lo Wai Village
Pui O, Lantau Island
(Attn.: Loo Tan Jung)

Dear Sir/Madam,

Proposed Temporary Holiday Camp (Caravan Holiday Camp) for a Period of 5 Years and Excavation of land (Sewage Facilities) in "Coastal Protection Area" Zone, Lots 626(Part), 627 (Part) 628 to 630, 632, 633 (Part), 634 to 637, 639 to 642, 647 to 650, 710 to 712, 715 RP, 716, 717 and 718 RP in D.D. 316L, Pui O, Lantau Island

I refer to my letter to you dated 30.7.2019.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the application is not in line with the planning intention of the "Coastal Protection Area" ("CPA") zone which is to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It is also intended to safeguard the beaches and their immediate hinterland and to prevent haphazard ribbon development along the South Lantau Coast. There is a general presumption against development in this zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) you fail to demonstrate that the proposed development would not have adverse ecological and landscape impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "CPA" zone and the cumulative effect of approving such applications would lead to a general degradation of the natural environment of the area.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 2.8.2019, in both English and Chinese, are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 6.9.2019). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Amy Wu of Sai Kung & Islands District Planning Office at 2158 6158.

Yours faithfully,



(Felix MA)

for Secretary, Town Planning Board

(With Chinese Translation)

Recommended Advisory Clauses

1. prior planning permission should have been obtained before commencing the applied use at the application site;
2. to note the comment of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that currently, there is no Short Term Waiver (STW) application in connection with the Lots under processing. If this planning application is approved, the owners of the Lots have to submit an application for STW to cover the structure(s) built / to be built on the Lots. LandsD would process the application in the capacity of the landlord. There is no guarantee that the application will be approved. If the application is approved, the approval will be subject to such terms and conditions, including payment of fees, as may be imposed by LandsD;
3. to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
 - (a) some lots located in the middle of the Site, which are proposed to be used as track for access to the proposed development, do not form part of the Site. From urban design perspective, the applicant is advised to carefully consider the boundary treatment between the Site and these lots;
 - (b) approval of the application does not imply approval of tree works such as felling, transplanting or pruning under lease. The applicant is reminded to approach relevant authority/government department(s) direct to obtain necessary approval on tree works;
4. to note the comment of the Commissioner for Transport that sufficient number of parking spaces (e.g. 5m x 2.5m for a private car, etc.) should be provided to meet the relevant parking demand;
5. to note the comment of the Director of Environmental Protection that the septic tank and soakaway system is an acceptable means for collection, treatment and disposal of sewage provided that its design and construction follow the requirements of Environmental Protection Department's (EPD) Practice Note for Professional Person (ProPECC) 5/93 to be certified by an Authorized Person (AP);
6. to note the comments of the Director of Fire Services that:
 - (a) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from licensing authority. The arrangement of emergency vehicular access shall comply with Section 6, Part D of *Code of Practice for Fire Safety in Buildings 2011* which is administered by Buildings Department (BD); and
 - (b) for the general licensing conditions on site location for caravan camp site, the applicant is reminded to observe the 'General Licensing Condition for

Caravan Camp Site providing short-term sleeping accommodation (revised version)' and "A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (HAGAO), which could be found in the following link:

[http://www.hadla.gov.hk/filemanager/en/docs/General_Licensing_Conditions_for_Caravan_\(eng\).pdf](http://www.hadla.gov.hk/filemanager/en/docs/General_Licensing_Conditions_for_Caravan_(eng).pdf)

http://www.hadla.gov.hk/filemanager/en/docs/Guide_for_Caravan_Camp_Site_Eng.pdf

7. to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that:
- (a) the applicant should demonstrate that there would be adequate measures provided at the resources of the applicant to avoid the Site and its surrounding area from being flooded due to runoff of the Site, and that there would be no contaminated discharge or pollution to the surrounding area;
 - (b) the information provided in the drainage proposal is minimal and no drainage connection to the existing/drainage facilities are indicated on the drainage plan. The applicant shall clarify and re-submit the drainage proposal to DSD;
 - (c) the proposal should clearly indicate the proposed drainage connection works including the size of surface channel, the cover levels, invert levels and outlet levels of sand trap. Catchpit should be provided where the proposed drains change their direction horizontally and vertically;
 - (d) downstream details through the proposed sand trap discharge to the existing culvert must be provided for consideration. The Site is near the Pui O Ecologically Important Stream. The applicant should ensure that any contaminated runoff due to camp site activities should be collected and treated and not to be discharged to any existing drainage facilities or stream;
 - (e) consent from the Environmental Protection Department and the Agriculture, Fisheries and Conservation Department should be sought on the proposed discharge to stream; and
 - (f) the applicant shall ensure that the proposed development would not increase the flood risk to the surrounding area and he shall be liable for and indemnify claims and demands arising out of damage or nuisance caused by any

inadequate construction or maintenance of the drainage facilities completed under the development;

8. to note the comments of the Chief Building Surveyor/New Territories East(1) & Licence, Buildings Department (CBS/NTE(1)&L, BD) that:
 - (a) it is noted that the proposed temporary buildings including caravans, kiosk, pergola, storage, toilets, etc., will be constructed associated with the planning application:
 - (i) the permissible site coverage (SC) and plot ratio (PR) of the development(s) / building(s) should comply with Regulations 20 and 21 of the Building (Planning) Regulations (B(P)R);
 - (ii) if the Site does not abut on a specified street of width not less than 4.5m, the development intensities and building height shall be determined by the Building Authority (BA) under B(P)R19(3) upon formal submission of building plans to BD;
 - (iii) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R5 and 41D respectively;
 - (b) detailed comments under Buildings Ordinance (BO) on the private development(s) / building(s) such as permissible PR, SC, emergency vehicular access, provision of means of escape, fire resisting construction, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the formal building plan submission stage;
 - (c) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW);
 - (d) if there are existing structures which had been erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under this application;
 - (e) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (f) if the proposed use under application is subject to the issue of a licence, please be reminded that the building safety and other relevant requirements as may be imposed by the licensing authority would need to be complied with; and

- (g) in connection with the drainage/sewage proposal, the applicant's attention is drawn to the provisions of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, in particular its Regulations 40 and 41;
9. to note the comment of the Chief Engineer/Construction, Water Supplies Department that as the existing water supply system at South Lantau is a small system with limited capacity, and considering that there are other proposed residential developments in South Lantau that will also increase water demand, the water supply system in South Lantau may not be able to accommodate any further additional water demand;
 10. to note the comment of the Director of Electrical and Mechanical Services that in the interest of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. The applicant should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation when carrying out works in the vicinity of the electricity supply lines;
 11. to note the comment of the Chief Officer (Licencing Authority), Office of the Licensing Authority, Home Affairs Department (CO(LA), OLA, HAD) that:
 - (a) for caravan providing short-term sleeping accommodation at a fee, if their mode of operation falls within the definition of "hotel" and "guesthouse" under HAGAO (Cap. 349) (HAGAO), a licence must be obtained before operation. 'A Guide to Licence Applications for Guesthouse (Holiday Camp) – Caravan Camp Site under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349)' are available at the OLA's website: <http://www.hadla.gov.hk>;
 - (b) for any structures to be included into the licence, the applicant should submit a copy of either an occupation permit issued by the Buildings Authority (BA) or a Certificate of Compliance issued by the LandsD when making an application under the HADGAO; and
 - (c) the licensing requirements will be formulated after inspections upon receipt of the application under HAGAO (Cap 349);
 12. to note the comment of the Director of Food and Environmental Hygiene that in accordance with the laws in Hong Kong, any person who intends to prepare and/or manufacture of food for sale for human consumption off the premises in the territory must obtain a food licence issued by his department before commencement of such business.